



1653

PATENT

EGYPSA 3.0-006

11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of :
Legrain, et al :
: Group Art Unit: 1653
Appln. No. 10/066,127 :
: Examiner: Robert A. Wax
Filed: January 31, 2002 :
: Dated: December 9, 2003
For: ANTI-SIGMA28 FACTORS IN HELICO- :
BACTER PYLORI, CAMPYLOBACTER... :
X

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REINSTATEMENT

Sir:

Attorneys for the above-identified applicant received a Notice of Abandonment mailed December 5, 2003 for failure to respond to an Office letter mailed May 4, 2003 (we are enclosing a copy of the letter which is actually dated May 5, 2003). However, a response to said Office Action was mailed to the Patent and Trademark Office on June 5, 2003.

Attached hereto are copies of the Reply and a postcard indicating receipt in the Patent and Trademark Office mailroom on June 9, 2003. Additionally, the document bears a Certificate of Mailing dated June 5, 2003.

It is therefore believed that evidence has been submitted to establish that a response to the Office Action dated May 5, 2003 was timely filed, and is therefore respectfully

requested that prosecution on the above-identified application be reopened.

If there are any fees due in connection with this communication, please charge same to our Deposit Account No. 12-1095.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP



ARNOLD H. KRUMHOLZ
Reg. No. 25,428

600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Fax (908) 654-7866
466706_1.DOC

PLEASE ACKNOWLEDGE RECEIPT BY RETURNING THIS CARD

Via: First Class Mail

Atty Docket No.: EGYPSA 3.0-006

Due Date: June 5, 2003

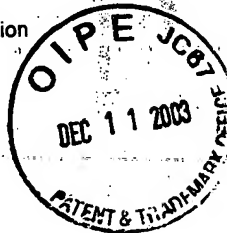
Title:

IDENTIFICATION OF THE ANTI-o28 FACTOR IN HELICOBACTER
PYLORI, IN CAMPYLOBACTER JEJUNI AND IN PSEUDOMONAS
AERUGINOSA AND APPLICATION THEREOF

Application No.: 10/066,127

Documents Filed:

Response to Office Communication



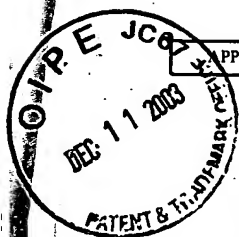
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,127	01/31/2002	Pierre Legrain	EGYPSA 3.0-006	3339

530 7590 05/05/2003
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

*Due
GS 5/22/03
3PF*

EXAMINER

MAYES, LAURIE A

ART UNIT PAPER NUMBER

1653

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

LDLK&M

MAY 08 2003

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/066127

01/31/2002

Pierre Legrain et al.

EGYPSA 3.0-006

EXAMINER

Laurie Mayes

ART UNIT	PAPER
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1653

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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on March 18, 2003 (Paper #8) is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The applicant failed to elected related sequences for examination. Applicants elected SEQ ID NOS: 1, 3, 5 and 7 which correspond to different nucleotide sequences. SEQ ID NO : 1 corresponds to the selective interactive domain of HP 1122 (SEQ ID NO: 5); HP1122 is a sigma28 factor. SEQ ID NO: 3 corresponds to the selective interactive domain of HP 1032 (SEQ ID NO: 7); HP 1032 is an anti-sigma28 factor. While these factors encoded by the polynucleotides may interact with each other, the polynucleotides are fragments with different functions. Therefore, SEQ ID NOS: 1 and 5 are distinct inventions from SEQ ID NOS: 3 and 7. Also, claim 17 contains SEQ ID NOS: 2, 4 and 6. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Mayes whose telephone number is (703) 605-1208. The examiner can normally be reached

from Monday through Friday from 7 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached at (703) 308-2923. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 305-3014 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1123

L. Mayes
Laurie Mayes
Patent Examiner
Art Unit 1653

Christopher S. Low
CHRISTOPHER S. LOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600